

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**WILLIAM FELS and
BERNICE FELS**

v.

**ALAN RUTTENBERG d/b/a
LRD GRAPHICS, INC. and
LRD GRAPHICS, INC.**

: CIVIL ACTION
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: NO. 15-cv-00136-RAL
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ORDER

AND NOW this 8th day of May, 2017, upon careful consideration of the defendants' Motion for Summary Judgment (Doc. No. 53), the plaintiffs' response in opposition (Doc. No. 56), and the defendants' reply in support of the motion (Doc. No. 58), it is ORDERED that:

1. For the reasons set forth in the Memorandum filed contemporaneously with this Order, the defendants' Motion for Summary Judgment is GRANTED;
2. The plaintiffs, with their counsel, will show cause on **Wednesday, May 17, 2017 at a courtroom to be announced at 10:00 a.m.** as to why Counts VII and VIII of the First Amended Complaint should not be dismissed for failure to prosecute. *See, e.g., Adams, et al v. Trustees of the New Jersey Brewery Employees' Pension Trust Fund*, 29 F.3d 863 (3d Cir. 2015). On or before May 16, 2017, the plaintiffs may file a motion to dismiss the two counts with prejudice, stating that the motion is filed in response to the Order, in lieu of appearance. The Clerk will cause a copy of this Order to be mailed to the plaintiffs as well as to their counsel. *See Adams v. Trustees of the New Jersey Brewery*

Employees' Pension Trust Fund, 29 F.3d 863, 872 (3d Cir. 1994) (citing to *Dunbar v. Triangle Lumber & Supply Co.*, 816 F.2d 126, 129 (3d Cir. 1987)).

BY THE COURT:

s/Richard A. Lloret

HON. RICHARD A. LLORET

U.S. Magistrate Judge